

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18409 of 2008

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Sanjay Kumar Jha, son of Shashi Kant Jha, resident of Village Barari Police Station
Barari District Katihar

.... Petitioner/s

Versus

1. The State Bank of India through the Chief Manager (Human Resources), Zonal Office, Bhagalpur, Bihar
2. The Chief Manager (Human Resources) Zonal Office, Bhagalpur, Bihar
3. The Assistant General Manager-cum-Disciplinary Authority, Region III, State Bank of India, Zonal Office, Purnea
4. The Chief Manager, Zonal Office, Kala Bhawan Road, Purnea
5. The Branch Manager, State Bank of India, Thakurganj Branch, Purnea
6. Zila Sainik Kalyan Board, through Zila Sainik Kalyan Officer, Bhagalpur, Bihar
7. Zila Sainik Kalyan Officer, Bhagalpur, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar
For the State : Mr. Lalit Kishore, Sr. Advocate
For State Bank of India : Mr. Anshuman Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 18-01-2018

Heard learned counsel for the petitioner and learned
counsel for the Bank as well as the State.

In the present writ petition, petitioner is challenging
the order dated 15.3.2008 passed by the Assistant General
Manager-cum-Disciplinary Authority, Region III, State Bank of
India, Zonal Office, Purnea by which he has been dismissed
from service with immediate effect.

The petitioner was an ex-army man. He was
discharged on medical ground and after discharge he has



registered himself in the Zila Sainik Kalyan Board, Bhagalpur. An advertisement was published for appointment of Bank Guard. In the advertisement it has been mentioned “ 2. Medical Calagory (at the time of leaving armed force ‘A’) and 6. service experience-Honourably discharged “combatant ex service” man who have completed normal pensionable service at armed force.”

Two conditions are sine quan for appointment of Bank Guard. First condition was medical category and another was the person must be working there in combatant. Every person may be called ex-service man but all ex service man are not attached with combatant armed force who are capable to participate in any military action but the name of the petitioner was recommended by Zila Sainik Kalyan Board, Bhagalpur whereupon the petitioner was issued the call letter. He has participated in the interview board successfully. Admit card reflects that at the time of interview he had to produce six documents. One of the documents was military discharge certificate which he has produced at the time of appointment. Accordingly petitioner was appointed as Bank Guard on 25.1.2007 (Annexure-7) whereafter he participated in the training and after completion of training he was posted at



Thakurganj in the district of Purnea.

In the meantime, Bank has received complaint against the petitioner which was replied by the Bank that he has been appointed as per prescribed qualification. But thereafter Assistant Manager has constituted a three man committee vide letter dated 14.12.2007 (Annexure-10). The petitioner was called upon to give reply and participate before the Enquiry Committee. Accordingly the petitioner participated. Three man committee examined the case and considered the plea of the petitioner, submitted the report against him became the basis for issuance of show-cause notice for tentative dismissal which he has replied vide explanation dated 12.1.2008 (Annexure-13) and finally he has been dismissed from service on 15.3.2008.

Learned counsel for the petitioner submits that at the time of interview petitioner has produced all testimonials and after proper verification he was appointed.

Bank has filed counter affidavit annexed the application where in he has given description as he has mentioned ARTY/GNR in the army but he has not mentioned the trade what he was doing, he has accepted his status was Safaibala in the application dated 19.7.2017 wherein it has been



specifically mentioned his medical category was B and trade was Safaibala.

So admittedly he was not a combatant. At the same time, he was not holding A certificate at the time of discharge from service. There are several documents showing that he was not combatant but he was Safaibala.

As per requirement of the Bank two qualifications were essential, one person who has been discharged from service must be combatant and another is 'A' medical certificate holder at the time of discharge from armed force. The petitioner does not possess both the qualifications and this fact he has not mentioned in his application.

So far procedural aspect is concerned, petitioner was given notice asking him to participate in the enquiry and ultimately, final action has been taken. Mere because the petitioner was allowed to participate in the interview and he was appointed as Bank Guard successfully, that does not mean that his appointment would be saved in view of fact that he was lacking of two essential qualifications. The minimum qualification which was required for the Bank Guard is absent in the case of the petitioner.

In such view of the matter, this Court does not find



any merit in this writ petition. It is accordingly dismissed.

Learned counsel for the petitioner submits that petitioner has crossed the age of reemployment so direction may be given to the Bank for consideration of his adjustment on another post. It is for the petitioner to approach before the concerned authority and they are the best person to take decision in accordance with law.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.1.2018
Transmission Date	NA

